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**Sent:** Fri 10/12/2012 12:11:23 PM

**Subject:** Morning Clips  
[report](#)  
[Wyoming](#)  
[Pennsylvania](#)  
[Encana Corp. \(ECA\)](#)  
[Canada](#)  
[Ohio](#)

Good Morning Everyone!  
 Here are today's top stories:

Greenwire: EPA has failed to fully tackle industrial polluters-GAO

Bloomberg Businessweek: Wyoming Water Tests in Line with EPA finding on Fracking

Greenwire: EPA inks largest-ever settlement to clean up Mass. Bay

## Greenwire: EPA has failed to fully tackle industrial polluters-GAO

By Annie Snider, E&E reporter

Published Thursday, October 11

U.S. EPA likely has not been cracking down on industrial water pollution as hard as it should have, due to a flawed process for reviewing effluent guidelines, a government watchdog agency said yesterday.

The two-phase process EPA uses to decide which guidelines to review means the majority of industries never get an adequate look, according to a new Government Accountability Office report.

Under the Clean Water Act, EPA is supposed to annually review guidelines for pollutants being discharged from industrial facilities such as factories and wastewater treatment plants in order to decide whether new information about the pollutants' dangers or about technologies available to decrease them warrants lower limits.

But most guidelines have not been updated since the 1980s or 1990s. Moreover, in recent years, EPA's focus has shifted from point sources -- such as the industrial facilities covered by these effluent guidelines -- to nonpoint sources such as agricultural and urban runoff, which are now responsible for most pollution making its way into waterways. Staff levels for the effluent guidelines program have been cut 40 percent, EPA officials told GAO.

Against this backdrop, GAO examined the process by which EPA reviews effluent guidelines and decides when to set new ones.

In the first phase of its review, EPA looks at the hazards posed by the pollutants discharged by each industrial category. For this, EPA looks at two sources of data: discharge monitoring reports and the Toxics Release Inventory. But GAO found that both these sources have critical limitations.

The monitoring reports, for instance, contain data only for the pollutants that the facilities' permits require them to monitor, meaning that other pollutants are excluded from EPA's calculations. Moreover, the reports don't include data from all permitted facilities. Specifically, EPA does not require states to report on direct discharges classified as minor. According to the agency, it has data from only about 37 percent of such minor facilities.

Experts interviewed by GAO said that while the Toxics Release Inventory is useful, it has limitations that can cause EPA to either overestimate or underestimate the relative toxicity of particular industrial categories.

The result is that the same industrial categories have risen to the top each year to move on to the second phase of review.

It isn't until that phase that EPA considers the technologies available to reduce discharges or make them less hazardous. But regulators consider treatment technologies only if an industrial category is contributing to 95 percent of the total reported hazard. If the industrial category is contributing to the 5 percent, EPA does not consider the technologies available to cut its discharges.

"Although this percentage is low, the categories involved constitute the majority of industrial categories with effluent guidelines," GAO found.

More than half the industrial categories with effluent guidelines did not advance beyond the first phase in any year from 2003 to 2010, GAO found, omitting them from further review of the availability of treatment technologies or production processes that could reduce the hazards of their discharges.

According to the report, EPA has begun looking at ways to improve the hazard data it uses in screening, but it is not tapping all potential sources of information about treatment technologies.

Bloomberg Businessweek: Wyoming Water Tests in Line with EPA finding on Fracking

By Mark Drajem

Posted Thursday, October 11 at 5:45pm

Tests of drinking water near a natural-gas drilling site in Wyoming back up findings that established the first link by the federal government between hydraulic fracturing and tainted water, the Environmental Protection Agency said.

The EPA yesterday issued its follow-up analyses of two test wells it drilled in Pavillion and of five residents' water wells, saying the pollutants it found were "consistent" with the results last year used to establish that connection to hydraulic fracturing, or fracking.

Water quality in Pavillion, Wyoming, has attracted national attention since the EPA's draft report in December showed that fracking may have contaminated homeowners' water.

"If it's possible here, then it's possible elsewhere as well, and that's why the gas industry and some state governments are fighting tooth and nail to question the results," Alan Septoff, research director for Earthworks, a Washington-based environmental group, said in an interview. "Once that precedent is set," it could increase pressure for more government regulation, he said.

In fracking, millions of gallons of water with chemicals and sand are shot underground to break apart underground rock and free trapped gas or oil. The technology has helped the U.S. cut dependence on imported fuels, lower power bills and cut state unemployment from Pennsylvania to North Dakota.

#### Scientific Evidence

Critics have said it endangers water supplies, while the industry maintains that no confirmed case of such contamination has ever been demonstrated scientifically. If the Pavillion results hold up to further scrutiny, they could refute that contention.

"EPA has provided no sound scientific evidence that drilling has impacted domestic drinking-water wells in the area," Doug Hock, a spokesman for Encana Corp. (ECA), the company that leases the natural-gas field there, said in an e-mail. "Encana didn't put the hydrocarbons there; nature did."

The EPA conducted the latest tests after Calgary-based Encana and Wyoming state officials criticized the EPA's initial testing methods and preliminary conclusions.

The results from the test wells show similar levels of methane, benzene and glycol contamination as the earlier EPA tests, said Wilma Subra, who has her own testing company and works with residents in Pavillion concerned about the health effects of their water. "The results confirm what was found before," she said.

Encana, Canada's largest natural-gas producer, owns 140 natural-gas wells in an area of cattle and hay farms outside of Pavillion, about 230 miles (370 kilometers) northeast of Salt Lake City. The company says that contaminants found in water wells are naturally occurring, and that the two test wells the EPA drilled in 2010 were improperly constructed.

Encana provides water to about 20 area households.

The gas wells in Pavillion are different than those drilled in most areas of Pennsylvania, where residents also have complained about tainted water from fracking. The wells in the Wyoming town don't go as deep and aren't separated from the aquifer by thousands of feet of rock.

"This is an outcome that does not apply to shale formations" in Pennsylvania, Ohio and elsewhere, Terry Engelder, a professor of geosciences at Pennsylvania State University, said in an interview. "This is a very unique situation."

Also yesterday, the EPA pushed back until Jan. 15 its deadline for public comment on the preliminary report and the newly released follow-up data.

Greenwire: EPA inks largest-ever settlement to clean up Mass. Bay

By Jeremy P. Jacobs

Published Thursday, October 11

An electrical-component manufacturing company will pay more than \$366 million to clean up hazardous waste off the shore of New Bedford, Mass., in the largest Superfund cleanup settlement ever, U.S. EPA and the Department of Justice announced

yesterday.

EPA reached the agreement with AVX Corp. to address polychlorinated biphenyl, or PCB, contamination in Buzzards Bay on the southeastern coast of the state. AVX, a South Carolina company, will pay both EPA and the commonwealth of Massachusetts.

EPA's Regional Administrator Curt Spalding said the settlement will significantly speed up cleanup efforts. The influx of money will allow EPA to finish the cleanup in five to seven years instead of the estimated 40-year timeline under current funding levels of \$15 million per year from EPA and \$1.5 million per year from Massachusetts.

"With this settlement, we are making good on our pledge to the citizens of New Bedford to help clean their harbor," Spalding said in a statement. "Cleanup work will proceed much faster with dedicated funding, and we will more rapidly be able to ensure that both human health and ecological health are being protected from exposure to PCBs in New Bedford Harbor."

Cleanup efforts primarily will involve dredging PCB-contaminated sediment and disposing of it at a licensed off-site facility. The settlement resolves AVX's remaining liabilities at the site.

The settlement was somewhat unexpected locally because it was believed that EPA and Massachusetts had tapped out private funding to clean up the bay. Officials had previously secured and used up more than \$100 million for the area. New Bedford's harbor was once one of the state's largest fishing ports, but eating any fish caught in the bay has been banned due to the prevalent contamination.

AVX's corporate predecessor, Aerovox Corp., owned an electrical capacitor manufacturing facility in New Bedford from the 1940s into the 1970s. According to EPA, the facility discharged hazardous substances, including PCBs, into the harbor.

The PCBs are a mixture of hundreds of synthetic compounds that bond to sediment particles. The common Superfund contaminants don't biodegrade and are considered possibly carcinogenic.

Massachusetts Gov. Deval Patrick (D) called the settlement a "victory for Massachusetts," and Attorney General Martha Coakley (D) said it protects taxpayers from shouldering the cost of the cleanup.

"The AVX Corporation is responsible for the contamination and will pay for the cleanup, not Massachusetts taxpayers," she said.

EPA added the site to its Superfund program in 1983, and EPA and Massachusetts then filed a lawsuit against AVX. The company previously paid \$66 million to address the contamination as the result of a 1992 settlement.

In 2011, the company demolished the facility and entered into a new settlement agreement with Massachusetts.

The \$366.25 million settlement, which modifies and supplements the 2011 agreement, was filed yesterday in Boston's federal district court. It awaits approval from a judge.